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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,946	03/23/2001	James H. Adams	6382-39	8245

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EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/815,946	Applicant(s) Adams
	Examiner S. Garden	Group Art Unit 3612

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 6-17-02

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above claim(s) 16-17 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15+18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other _____

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DETAILED ACTION

1. Applicant should note, the instant application contains two claims numbered "14". The second claim "14" and claims 15-17 have been consecutively renumbered as claims 15-18 respectively per 37CFR rule 126 (i.e the application contains claims 1-18 as now numbered). Any future communication with the office regarding this application should rely on this new numbering scheme.

2. Applicant's election with traverse of the species of figure 5 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that examination of the number of species presented would not place a serious burden on the office. This is not found persuasive because the inventions as defined in the last office action are deemed to define potentially patentably distinct species of sufficient divergent material/construction that the requirement is warranted. Applicant is reminded that upon the allowance of a generic base claim, any withdrawn claims dependent therefrom drawn to a non-elected species may be rejoined with the application if appropriate.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 16 and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Applicant timely traversed the restriction (election) requirement in Paper No. 8 -see above.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 30 and 31 (figures 1

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and 2), w (figure 2), 460 (figure ~~10a~~ and 10b), ~~490~~ and ~~492~~ (figure 10b), and ~~472~~ (figure 10a). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: portion 20 and bracket ~~162~~. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "462" has been used to designate both the profile and the hanger. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

7. Figures 3 and 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

8. The disclosure is objected to because of the following informalities: reference to the relied upon provisional application should be included at the beginning of page 1.

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Additionally, "~~162~~" on page 7 - line 10, "~~170~~" on page 8 - last line, and "464" on page 9 - line 24 should be ~~--54--~~, ~~--80--~~, and ~~--462--~~ respectively.

Appropriate correction is required.

9. Claims 11-15 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 11, "said hook" lacks clear antecedent basis and should apparently be --said hook member-- for consistency/clarity. Note claims 12, 13, 14, and 18 (3 places in claim 18) contain similar confusing terms. Additionally, while non-elected claim 15 has not been treated on the merits, in an effort to expedite prosecution, it is noted the claim also contains 2 occurrences of "said hook" which should apparently be --said hook member--.

Re claim 18, the preamble is inconsistent with the base claim preamble, and "hook hanger" could be changed to --tie down coupling system to correct this defect. Additionally, while non-elected claims 16-17 have not been treated on the merits, in an effort to expedite prosecution, it is noted these claims also contain similar inconsistent preambles. Finally it is noted regarding claim 18, "an space" should be --a space--.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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11. Claims 1-13, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Becker.

Becker teaches a hook retainer for a cargo transport including a track 38+, a tie-down anchor assembly 30, and a tie down strap member 56 with an attached hook 68.

Re claim 3, the mounting tracks are configured as broadly claimed.

Re claim 4, the device comprises a mounting bracket riding on the track and a hook hanger/anchor as broadly claimed - see figure 2.

Re claim 7, the device comprises a hook hanger/anchor as broadly claimed.

Re claims 8-9, the device comprises a mounting bracket riding on the track - see figure 2 as broadly claimed.

Re claim 10, the mounting bracket/tracks are configured as broadly claimed.

Re claims 11-13, the device defines a hook retainer as broadly claimed, and the vertical and horizontal movement of the hook is restrained by elements 60,62+.

12. Claims 1, 3-15, and 18, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Helton.

Helton teaches a hook retainer for a cargo transport including a track 78+ (figure 8), a tie-down anchor assembly 60, and a tie down strap member 26 with an attached hook 68+.

Re claim 3, the mounting tracks are configured as broadly claimed.

Re claim 4, the device comprises a mounting bracket riding on the track and a hook hanger/anchor as broadly claimed - see figures 8-9.

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Re claim 7, the device comprises a hook hanger/anchor as broadly claimed.

Re claims 8-9, the device comprises a mounting bracket riding on the track - see figure 8 as broadly claimed.

Re claim 10, the mounting bracket/tracks are configured as broadly claimed.

Re claims 11-13, the device defines a hook retainer 50+ as broadly claimed, and the vertical and horizontal movement of the hook is restrained by the system - see figure 7.

Re claim 14, element 50 reads on the retaining bar and is selectively positionable as broadly claimed.

Re claim 15, element 50 reads on the movement retainer and is rotatable as broadly recited - note figures 6 and 7.

Re claim 18, note first wall 32 and second wall 58 (figure 8). The second wall 58 extends toward the hook anchor to form an opening as broadly claimed - see figures 6, 7, and 8.


Additionally, the second wall functions to contact the hook as broadly claimed - see figure 7.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Whitehead teaches a strap anchor device slidable on a mounting track.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556.

stg

July 25, 2002


STEPHEN T. GORDON
PRIMARY EXAMINER